

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 22, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:10 p.m. Council Member Inzunza welcomed and recognized students from Camp Any Town which teaches students leadership skills and fights discrimination and social injustices. Mayor Murphy adjourned the meeting at 3:46 p.m. into Closed Session on Tuesday, July 23, 2002 at 9:00 a.m. in the 12th floor conference room to discuss Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Larry Obara of Grace Baptist Temple Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Inzunza.

FILE LOCATION: MINUTES

ITEM-30: San Diego Lesbian, Gay, Bisexual, Transgender Pride Week.

MAYOR MURPHY'S AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-118) ADOPTED AS RESOLUTION R-296813

Recognizing the many civic contributions of the lesbian, gay, bisexual, and transgender community in San Diego, and encouraging all people to share in the pride of our City's diverse citizenry;

Proclaiming July 22 through 28, 2002 to be "Lesbian, Gay, Bisexual, Transgender Pride Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A025-139.)

MOTION BY ATKINS TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Kathleen E. Harmon Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-27) ADOPTED AS RESOLUTION R-296814

Commending Ms. Kathleen E. Harmon for her service and contributions to the City of San Diego;

Proclaiming July 22, 2002 to be "Kathleen Harmon Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A160-204.)

MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Planning and Design Agreement with Kimley-Horn & Associates, Inc., for Sewer and Water Group Jobs.

(See Frank Belock, Jr.'s 5/2/2002 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1769) ADOPTED AS RESOLUTION R-296815

Authorizing the City Manager to execute a consultant agreement with Kimley-Horn and Associates, Inc. for engineering services for the planning and design of sewer and water group jobs, in an amount not to exceed \$2,000,000;

Authorizing the expenditure of an amount not to exceed \$300,000 from Water Fund 41500, and an amount not to exceed \$1,700,000 from Sewer Fund 41506.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

In an effort to support the increased rate of replacement of the City's aging sewer lines, it was anticipated that the use of consultant services would be needed. On August 24, 2001, the City Consultant Services Coordinator advertised for engineering consulting firms to provide planning and design services for various sewer and water group jobs.

The advertisement had been placed in the San Diego Daily Transcript, Voice and Viewpoint Journal, Asian Journal, La Prensa San Diego, Integrated Marketing Systems, and City of San Diego Web Page/Public Notice.

Twenty-four (24) firms responded and on October 25, 2001, the Consultant Nominating Committee nominated the seventeen (17) most qualified engineering firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed and the firm of Kimley-Horn & Associates, Inc., was selected as one of the firms to provide the two (2) years of consulting services.

Engineering services required of the Consultant include preparing planning and design packages, responding to design related questions during bidding, reviewing contractor's submittals, and preparing "As-built" drawings. These consultant services are required in order to meet the anticipated planning and design needs for the expanded sewer main replacement program. The sub-consultants anticipated to be utilized for this work are: Ninyo & Moore, Helix Environmental, Simon Wong Engineering, Dec Consultants, and Lintvedt, McColl & Associates.

This Agreement provides for planning and design of sewer and water group jobs by task on an hourly basis such that the fee for an individual project does not exceed \$200,000 per task and is within the standards and norms of the industry. The total contract cost shall not exceed \$2,000,000 for a period of two (2) years (from the date of execution by the City) or the completion of the last authorized task.

FISCAL IMPACT:

The total estimated cost of this Agreement is \$2,000,000. Funding of \$300,000 is available from Water Fund 41500 and \$1,700,000 from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2201189.

WWF-02-598.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Execute a Closed Circuit Televising Inspection Services Agreement with CGvL Engineers.

(See memorandum from Frank Belock, Jr. dated 6/13/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1653) ADOPTED AS RESOLUTION R-296816

Authorizing the City Manager to execute an Agreement with CGvL Engineers for Closed Circuit Televising Inspection Services, for the Engineering and Capital Projects Department [Agreement] in an amount not to exceed \$750,000;

Authorizing an expenditure of an amount not to exceed \$750,000 from Sewer Fund 41506, solely and exclusively for the purpose of providing funds for the Agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 4-0 to approve the projects and direct staff to review bids starting from July 1, 1999, to the present and conduct an analysis/breakdown of all costs associated with CIP projects. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego had placed advertisements in diverse publications requesting a qualified design consultant to provide Closed Circuit Televising Inspection Services. The advertisement had been placed in the San Diego Daily Transcript, Public Record Reporter, Asian Journal, La Prensa San Diego, Integrated Marketing, Systems, and the City of San Diego Web Page/Public Notice. Four consulting engineering firms responded to the advertisement. The consulting engineering firms will provide Closed Circuit Televising Inspection Services. In conformance with Council Policy 300-7, these firms were interviewed and the firm of CGvL Engineers was selected as one of the two best qualified firms to provide two years of consultant services. The negotiated agreement with the second consultant will be presented with a separate Council action.

The services will include all associated work to prepare a complete closed circuit televising reports of existing sewer mains and trunk sewers at various locations within the City of San Diego area. The services are required for meeting the anticipated planning and design needs for the ongoing sewer replacement program. The sub-consultants on this project are Houston & Harris, Lintvedt, McColl & Associates, BRG Consulting, Inc., National Plant Services, and Andy Anderson Sewer and Drain Services. The agreement provides for Closed Circuit Televising Inspection Services by task on an hourly basis not to exceed \$25,000 per task. The total contract

cost will not exceed \$750,000 for a period of two (2) years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement is \$750,000. Funding of \$750,000 is available from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2201125.

WWF-02-597.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Utility Agreement with Caltrans for reimbursement to the City of San Diego.

(See Memorandum from Mark Stone dated 6/21/2002. Sorrento Valley Community Area. Districts-1 and 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-23) ADOPTED AS RESOLUTION R-296817

Authorizing the City Manager to execute Utilities Agreement No. 31604 with the State of California for relocation of a 16-inch and a 12-inch water main, one water meter, and two fire hydrants to accommodate States' project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$114,955.74 from Water Fund 41500, CIP-74-925.0 Annual Allocation-Dams and Reservoirs to Water Fund 41500, CIP-73-024.0, Annual Allocation-Freeway Relocation, for the relocation of a 16-inch and a 12-inch water main, one water

meter and two fire hydrants, provided that the City Auditor first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$167,800 from Water Fund 41500, CIP-73-024.0, Annual Allocation-Freeway Relocation, for the relocation of a 16-inch and a 12-inch water main, one water meter and two fire hydrants, provided that the City Auditor first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing return of excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/02, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The State of California through the Department of Transportation (Caltrans) proposes to construct contiguous freeway and a new interchange in San Diego on Route 5 from 0.2 km north of the Genesee Avenue overcrossing to 0.8 km north of the Del Mar Heights Road overcrossing and on Route 805 from 0.3 km north of Mira Mesa Boulevard under crossing to Route 5. The City of San Diego owns and maintains a 16-inch, and 12-inch water main, one water meter and two fire hydrants within the limits of the State's project which requires relocation to accommodate State's project.

As part of the State's construction documents, the State is preparing plans to relocate the 16-inch, and 12-inch water main, one water meter and two fire hydrants. Funding in the amount of \$142,800 is needed for engineering services, relocation, inspection and reconnections to existing mains. Upon completion of the State's project and the water facilities relocation, the City will bill the State for actual costs associated for the engineering services and reconnections and the State will reimburse the City for those costs.

FISCAL IMPACT:

The total estimated cost of this project is \$167,800. Funding for this project is available from the Water Fund 41500, CIP No.73-024.0, Annual Allocation - Freeway Relocations. The amount of \$142,800 will be reimbursed to the City by the State of California. Total net cost to the City is \$25,000.

Mendes/Gardner/SM

Aud. Cert. 2201213.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-103: Agreement with Orrick Herrington & Sutcliffe, LLP and Webster and Anderson for Bond and Disclosure Counsel Services for Water Facilities Financing.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-116) ADOPTED AS RESOLUTION R-296818

Authorizing the City Manager to execute an Agreement with Orrick Herrington & Sutcliffe, LLP and Webster and Anderson, and for Bond Counsel and Disclosure Counsel services;

Authorizing the expenditure of an amount not to exceed \$304,500 for Bond Counsel and Disclosure Counsel services, contingent upon the issuance of bond financing, solely and exclusively for the purpose of providing funds for the above project;

Authorizing the expenditure of an amount not to exceed \$30,000 from Fund 41500, Department 760, Organization 880, Object Account 4222, Job Order 8752.

SUPPORTING INFORMATION:

The City has proposed to finance the construction, installation, and improvement of the City's water system with revenue bonds [Bonds] to be issued by the Public Facilities Financing Authority of the City of San Diego. The City previously issued a request for proposals for bond counsel and disclosure counsel services for the 1998 issuance of certificates of undivided interest. Approximately 40 firms received the request for proposals. Through an interview selection process, Orrick Herrington & Sutcliffe, LLP [Orrick] and Webster and Anderson [Webster] [collectively Orrick and Webster are referred to as the Firm] were selected to provide bond counsel and disclosure counsel services for the first financing of the improvements to the water system. The City reserved the right to engage the Firm for one additional financing. The City has determined to exercise its option and use the Firm for the next series of Bonds.

The terms of the agreement are as follows: For bond counsel services for a single series of Bonds, the Firm shall be compensated an amount not to exceed \$145,000, including related expenses. If a parity series and subordinate series of Bonds is issued, the Firm shall be compensated an additional amount not to exceed \$23,000, including related expenses. In the event the City determines to refund a portion or all of the outstanding 1998 Certificates of Undivided Interest, the Firm shall be compensated an amount not to exceed \$11,500, including related expenses. For incremental tax work related to private use issues, Orrick shall be compensated an amount not to exceed \$15,000, including related expenses. For post closing investment services, Orrick shall be compensated an amount not to exceed \$30,000, including related expenses. For disclosure counsel services, Orrick shall be compensated an amount not to exceed \$80,000, including related expenses. For legal services related to other financing issues, Orrick shall be compensated an amount not to exceed \$30,000.

FISCAL IMPACT:

Bond and disclosure counsel fees are contingent on the Bonds being sold and shall be paid from the proceeds of the Bonds. For other legal services, Orrick shall be paid \$30,000 from Fund 41500, Dept. 760, Org. 880, Object Account 4222, and Job Order 8752.
Ewell/Devaney/KJS

Aud. Cert. 2300045.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-104: Consultant Agreement for Chollas Creek Wetlands Restoration Project to Implement Chollas Creek South Branch, Phase I.

(Southeastern San Diego Community Plan Area. Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-117) ADOPTED AS RESOLUTION R-296819

Authorizing the City Manager to execute an agreement with Gafcon, Inc., for professional services related to the Chollas Creek Wetlands Restoration Project - Chollas Creek South Branch Phase I Implementation for Segments 2A and 8;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the California Coastal Conservancy Grant;

Amending the Fiscal Year 2003 Capital Improvements Budget by adding CIP-37-446.0, Chollas Creek Wetlands Restoration Project;

Authorizing an increase of \$1.23 million in the Fiscal Year 2003 Capital Improvements Program Budget, CIP-37-446.0, Chollas Creek Wetlands Restoration;

Authorizing the City Auditor and Comptroller to appropriate and expend the \$1.23 million from CIP-37-446.0, Chollas Creek Wetlands Restoration Project, California Coastal Conservancy Grant, for the purpose of implementing the Wetlands Restoration Project.

CITY MANAGER SUPPORTING INFORMATION:

The Chollas Creek Enhancement Program establishes guidelines for Council Policy implementation related to wetlands restoration and enhancement, trail design, landscaping, a public art component, educational and interpretive sites along the 30 linear miles of Chollas Creek, located in Southeastern San Diego, Mid-City Communities, and Barrio Logan/Harbor 101 planning areas.

The Enhancement Program is consistent with existing City Council Policy which was approved by the City Council on May 13, 2002.

The Chollas Creek South Branch - Phase I Implementation Program identifies 8 project segments for implementation based on the Chollas Creek Enhancement Program. The Phase I implementation Program proposes wetlands restoration projects, a trail system adjacent to the creek, and educational center and interpretive signs to compliment the local schools curriculum. Available Coastal Conservancy funding of \$1.23 million is proposed to implement a Wetlands Restoration Project in Segments 2A and 8 (Phase 1) to create: in Segment 2A, a wetlands restoration project with an educational site and interpretive signs; and in Segment 8, at the Southcrest 252-corridor, a wetlands restoration project to be coordinated with the park design currently being developed by Park and Recreation Department staff.

In order to implement the improvements in Segments 2A and 8 the City Manager proposes to retain a consultant to be responsible for project management, environmental review, permitting, schematic design, preparation of competitive bid packages for subsequent construction and the hiring of subconsultants at a cost of \$386,430. The implementation of this project further expands the City's General Plan and Strategic Framework goals of providing more amenities in urbanized communities, creating more usable open space, increasing recreational opportunities, and contributing to a restored environment.

FISCAL IMPACT:

The City approved the application for and acceptance of the Coastal Conservancy reimbursable grant funding for \$1.23 million (in 1999, by Resolution R-291612), for wetlands restoration projects to be used only within Phase I of the Chollas Creek Enhancement Program. The City will expend \$386,430 of said funds on the Wetlands Restoration Project (Phase 1) consultant contract for project management, design and construction plans that will implement Segments 2A and 8, subject to City Council approval of the Wetlands Restoration Project (Phase 1) consultant contract.

Ewell/McCullough/LH

Aud. Cert. 2300042.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Point Loma - Chemical Feed Systems Upgrade: Additional Funding.

(See Scott Tulloch's 6/5/2002 memo. Point Loma Community Area. District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2003-108) ADOPTED AS RESOLUTION R-296820

Authorizing the City Auditor to transfer \$59,682 from Fund 41508, CIP-46-175.0, Point Loma - Headworks, Odor control, and Grit Processing to Fund 41508, CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade;

Authorizing the expenditure of an amount not to exceed \$115,000 from Fund 41508, CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade, solely and exclusively for additional project contingency and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/12/2002, NR&C voted 3-0 to approve. (Councilmembers Wear, Frye and Inzunza voted yea. Councilmembers Peters and Madaffer not present.)

CITY MANAGER SUPPORTING INFORMATION:

Chemical Feed Systems Upgrade project upgrades the ferric chloride and polymer feed systems for the advanced primary treatment at the Point Loma Wastewater Treatment Plant (PLWTP). The project improvements will provide greater reliability and flexibility for the chemical feed process which will help operators to optimize the plant's treatment performance and minimize chemical and labor costs.

The project improvements include replacing two ferric chloride tanks, installing a third ferric chloride tank, upgrading chemical unloading facilities, adding automatic flow-pacing controls for the ferric chloride and polymer feed systems, upgrading of the existing polymer feed building, adding multiple feed points, installing distributive remote controls and monitoring, and replacing distribution piping to extend the system life and improve safety.

Resolution R-292157, adopted on September 14, 1999, authorized the City Manager to execute a construction contract with the lowest responsive bidder and the contract was awarded to A.O. Reed and Company for \$2,616,005. The project is under construction and over 90 percent complete. The project is in the start-up phase and several of the project components have required operational refinement. Full integration of the new automated controls and monitoring systems has required additional work by the contractor to install additional input and output conductors and data links which could not be fully identified until the equipment was supplied during construction. The project is a retrofit project being constructed in an operating facility and unknown site conditions have been encountered. These unknown conditions have included encountering utility obstructions during installation of new chemical piping, removal and disposal of unsuitable soils and concrete, and repair or replacement of existing equipment which had deficiencies not found during design. The changes associated with the unknown conditions on the project and other project issues have extended the project duration. Council approval for an additional \$115,000 is needed to complete the project, \$45,000 of which is for additional City staff time for the extended project duration and \$70,000 is to complete project revisions related to operational changes and integration of controls and monitoring equipment.

FISCAL IMPACT:

The total estimated cost of this action is \$115,000 from Fund 41508, CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade.

Mendes/Tulloch/JAW

Aud. Cert. 2300043.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Transfer of Funds - South Clairemont Community Park Picnic Shelter.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-61) ADOPTED AS RESOLUTION R-296821

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$16,000 from Park and Recreation Grant Match Fund, Fund No. 63022, and an amount not to exceed \$20,000 from Park and Recreation Matching Funds Program, Fund No. 10365, to CIP-29-664.0, South Clairemont Community Park Picnic Shelter;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 budget by an increase of \$36,000 to be placed into CIP-29-664.0, South Clairemont Community Park Picnic Shelter, to augment previously authorized expenditures;

Authorizing the City Auditor and Comptroller to expend \$36,000 from CIP-29-664.0, South Clairemont Community Park Picnic Shelter, to augment previously authorized expenditures for these park improvements;

Authorizing the City Auditor and Comptroller, upon advice from the Engineering and Capital Projects department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The existing South Clairemont Community Park is located on Clairemont Drive in the community of Clairemont Mesa. The proposed picnic shelter will provide shade for park users and comply with the Americans with Disabilities Act (ADA) requirements. It is not anticipated that annual maintenance costs will be increased as a result of the project.

FISCAL IMPACT:

The estimated project cost is \$90,175 of which \$54,175 has been previously approved. The remaining funds (\$36,000) are available in CIP-29-664.0, South Clairemont Community Park Picnic Shelter, Fund No. 10365 - \$20,000 and Fund No. 630221 - \$16,000.

Loveland/Belock/AO

Aud. Cert. 2201229.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NOTE: It is anticipated that this item will be trailed to Tuesday, July 23, 2002.

ITEM-107: Skyline/Paradise Hills Public Facilities Financing Plan for FY 2003.

(See City Manager Report CMR-02-148 and Draft Fiscal Year 2003 PFFP.
Skyline/Paradise Hills Community Areas. District-4.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-20) TRAILED TO TUESDAY, JULY 23, 2002

Rescinding the existing Development Impact Fees;
Approving the establishment of new development fees for all property within the
Skyline/Paradise Hills Community;

Approving the Skyline/Paradise Hills Public Facilities Financing Plan for Fiscal
Year 2003 for the Skyline/Paradise Hills Community.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/26/2002, LU&H voted 5-0 to approve the City Manager's recommendation.
(Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A283-286.)

* ITEM-108: San Dieguito River Valley Archeological Resources Inventory Project.

(Via de La Valle Specific Plan and Rancho Bernardo Community Area. Districts-
1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1561) ADOPTED AS RESOLUTION R-296822

Authorizing the acceptance, expenditure and administration of a Certified Local
Government Grant from the State of California, Office of Historic Preservation,
Department of Parks and Recreation for the San Dieguito River Valley
Archeological Resources Inventory Project.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, Planning Department, submitted in 2001 a grant request to the California
State Office of Historic Preservation, Department of Parks and Recreation for a \$25,000 San
Dieguito River Valley Archeological Resources Inventory Project proposal. The City of San

Diego, Planning Department was informed in 2001 that the Department had received such grant funding request. The Planning Department subsequently issued a request for proposal to hire through a competitive interview selection process a qualified team of consultants to perform the advertised scope of work.

The San Dieguito River Valley Archeological Resources Inventory Project will create an inventory of archaeological resources in the San Dieguito River Valley Planning Area that will consolidate into a single document all previously conducted surveys. Until now, there has not been a systematic inventory of "pre-contact" archaeological sites recorded for the area, despite the fact that over 150 independent surveys have been conducted. Access to recorded data on resource sites in the area has been difficult to obtain because it exists at a number of institutions both within San Diego and at other locations. Organizing previously recorded data on these sites will facilitate the dissemination of this information as well as aid on future surveys of areas that contain archaeological resources not previously known.

The San Dieguito River Regional Plan was adopted by City Council on October 30, 1984 by Resolution R-261853, and the Joint Powers Authority was adopted on June 12, 1989 by Resolution R-273718.

FISCAL IMPACT:

City will receive \$25,000 for the San Dieguito River Valley Archeological Resources Inventory Project from the California State Office of Historic Preservation, Department of Parks and Recreation. All work must be completed by October 10, 2002.

Ewell/Golberg/LH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Talmadge Traffic Circle Construction Project.

(Kensington/Talmadge Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-122 Cor. Copy) ADOPTED AS RESOLUTION R-296823

Authorizing the City Manager to execute an agreement with the City Heights Town Council, for a Capital Improvement Project for the landscaping and hardscape improvements to an existing raised concrete traffic circle at the intersection of Adams Avenue and 49th Street in Talmadge;

Authorizing the increased appropriation of \$175,000 to the Fiscal Year 2003 Capital Improvements Program to increase CIP-39-010.0, Historic Talmadge Gate Restoration and Traffic Circle Construction Project, for the purpose of constructing a traffic circle at the intersection of 49th Street and Adams Avenue. \$50,000 is appropriated from the County of San Diego and \$125,000 is appropriated from Fund 70259, Talmadge Maintenance Assessment District;

Authorizing the expenditure of an amount not to exceed \$125,000 from Fund 70259, Talmadge Maintenance Assessment District, for the purpose of providing funds for the project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In 2000, the Talmadge Maintenance Assessment District was formed and approved by City Council. The community of Talmadge has multiple goals to do both Capital Improvement Projects and maintenance of both landscaping and installation of additional pedestrian street lighting. One of the first goals that will be accomplished with this action is landscaping and hardscape improvements to an existing raised concrete traffic circle at the intersection of Adams Avenue and 49th Street.

Talmadge received \$50,000 from the County of San Diego in 2001 to do construction documents, and install a water meter and do some of the improvements. Construction will be done by three companies: Jenel Engineering Corp. (demolition & disposal of existing concrete); Concrete Images International/Progressive Concrete (new hardscape, planter walls and boxes); and Ecosystems Imagery, Incorporated (irrigation system & planting materials installation).

The total construction and administration budget is \$175,000 including \$50,000 from the County of San Diego and \$125,000 from accumulated Talmadge Maintenance Assessment District funds administered by Park and Recreation Department. The City Heights Town Council (CHTC) is the non-profit agency that the City will contract with and be fiscally responsible for the construction contractor payments.

FISCAL IMPACT:

This action authorizes an increase in the budget for CIP-39-010.0, Historic Talmadge Gate Restoration and Traffic Circle Construction Project for the purpose of constructing a traffic circle at the intersection of 49th Street and Adams Avenue. Of the \$175,000 cost for the traffic circle, \$50,000 is allocated from the County of San Diego and \$125,000 is allocated from Fund 70259, Talmadge Maintenance Assessment District. The new total project cost is \$253,050.

Herring/Cunningham/JMW

Aud. Cert. 2300058.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Appointment to the Board of Port Commissioners.

(See memorandum from Mayor Murphy dated 5/1/2002 with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-123) ADOPTED AS RESOLUTION R-296824

Council confirmation of the appointment by the Mayor of Peter Q. Davis to serve as a member of the San Diego Unified Port District Board of Commissioners, for a term ending January 2, 2005, replacing Peter Janopaul, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Amending the 2002 Legislative Calendar to Schedule a Quarterly Night Meeting on July 30, 2002 at 6:00 p.m.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-137) ADOPTED AS RESOLUTION R-296825

Declaring that the quarterly night City Council meeting shall be conducted on Tuesday, July 30, 2002, at the San Diego State University (Don Powell Theater), 5500 Campanile Drive, San Diego, California, at 6:00 p. m., pursuant to the authority and provisions of Rule 1(d) of the Permanent Rules of the Council, set forth in Section 22.0101 of the San Diego Municipal Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Point Loma Presbyterian Church, 65th Anniversary.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1803) ADOPTED AS RESOLUTION R-296826

Proclaiming Sunday, June 23, 2002, to be "Point Loma Presbyterian Church Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Friends of Kate O. Sessions Neighborhood Park Day.

(District-2.)

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-115) ADOPTED AS RESOLUTION R-296827

Proclaiming Sunday, July 14, 2002 to be "The Friends of Kate O. Sessions Neighborhood Park Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Carolyn McFarlane Day, Executive Director of Mama's Kitchen.

COUNCILMEMBERS WEAR'S AND ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-63) ADOPTED AS RESOLUTION R-296828

Commending Carolyn McFarlane for her eight years of unparalleled service to Mama's Kitchen and San Diego's HIV/AIDS community, and wishing her well upon her retirement;

Proclaiming Friday, July 12, 2002, to be "Carolyn McFarlane Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-35) ADOPTED AS RESOLUTION R-296829

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-116: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-02) ADOPTED AS RESOLUTION R-296830

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L - State of Emergency due to economic
circumstances in the San Diego-Tijuana border region

COUNCIL ACTION: (Tape location: A287-405.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Water System Financing Program.

(See City Manger Report CMR-02-158.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-30 Cor.Copy) INTRODUCED, TO BE ADOPTED ON
MONDAY, AUGUST 5, 2002

Introduction of an Ordinance approving the form of and authorizing the issuance of the Public Facilities Financing Authority of the City of San Diego Water Revenue Bonds, Series 2002 (payable solely from the installment payments payable from Net System Revenues of the Water Utility Fund of the City of San Diego) and the approval of an indenture and approving the form and authorizing the execution and delivery of a 2002 supplement to the Master Installment Purchase Agreement relating to an installment purchase financing and approving certain other agreements and actions in connection therewith.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A410-433; A564-B066.)

Motion by Wear to Introduce the ordinance. Second by Peters. Failed. Yea-1, 2, 3, 6 M. Nay- 4, 5, 7. Not Present-8.

MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Two actions related to Award and Additional Funding for Reconfiguration of La Jolla Shores, Torrey Pines, and Ardath Road Intersection.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-78) ADOPTED AS RESOLUTION R-296831

Accepting the low base bid of West Coast General Corporation/T.C. Construction, Inc., a joint venture, in an amount not to exceed \$5,722,524.89, which includes the Base Bid and Additive Alternate "A", meeting the specifications for Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, and Ardath Road, and Water Sewer Improvements in the City of San Diego;

Authorizing the City Manager to execute a phase funded contract with West Coast General Corporation/T.C. Construction, Inc., a joint venture, in an amount not to exceed \$5,722,524.89, for all phases of work of which \$3,035,133.30 is for Phase 1;

Authorizing the City Manager to negotiate and execute a Second Amendment with Lintvedt, McColl & Associates, design consultants for this Project, in an amount not to exceed \$85,000, for construction support services, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the transfer of \$396,440 from Water Fund 41500, CIP-73-338.0, Water Department Central Facility, to Water Fund 41500, CIP-70-953.0, Torrey Pines/La Jolla Blvd. Water Main Replacement (Phase 1);

Authorizing the additional expenditure not to exceed \$1,105,186 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not exceed \$389,859 from Developer Impact Fees, Fund 79514, CIP-52-583.0 Reconfiguration of La Jolla Shores Drive, Torrey Pine Road, Ardath Road, Hidden Valley Road and Ardath Access Road Project, contingent upon the receipt of said contributions and upon the approval of the FY2004 Budget, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to eliminate the landscaping and related improvements portion of the contract (Phase III B of the Phase Funding Schedule) with West Coast General Corporation/T.C. Construction, Inc., if funds in the amount of \$567,012 are not identified and approved as part of the FY2004 Budget;

Authorizing the City Auditor and Comptroller, upon direction of the City Manager, to reallocate the funding sources for TransNet funds between TransNet

Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and minimize the use of Commercial Paper funding for CIP-52-583.0;

Authorizing additional City Forces work of \$141,000, to be paid from Water Fund 41500, CIP-70-953.0, Torrey Pines/La Jolla Blvd. Water Main Replacement (Phase 1) as part of the costs, related to replacing existing crosses, tees, valves, and pipe section, for a total City Force authorization of \$741,000 for this Project.

Subitem-B: (R-2003-79) ADOPTED AS RESOLUTION R-296832

Council has reviewed and certified the information contained in Environmental Negative Declaration No. LDR-98-0994 and Addendum LDR-41-0383, in connection with Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, Ardath Road, and Water & Sewer Improvements;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

Ardath Road, Torrey Pines Road, and La Jolla Shores Drive are primary routes for access to La Jolla. The intersection experiences more than 70,000 vehicles per day, being one of the busiest intersection in the City. In addition, the sewer and water mains in the area are deteriorated and in need of replacement. On October 2, 2001, the City Council approved (R-295594) the project and authorized the City Manager to execute a construction contract with the lowest responsible bidder.

The project was advertised on October 4, 2001, and twenty six (26) bid packages were issued to the prospective bidders. On the bid opening date of December 5, 2001, only one bid package was received. This bid was from Scheidel Construction & Engineering, Inc. in the amount of \$6,257,213, which was \$1,552,507 (33%) over the engineer's estimate of \$4,704,706. However, the City Manager rejected the bid on the basis that the bid amount exceeded the available budget and that the single bid received was insufficient to justify the increased cost. After a review, it was anticipated that at least a partial cost reduction would be gained by re-bidding the project.

The project was then re-advertised on January 24, 2002 and thirty two (32) bid packages were issued to the prospective bidders. On the next bid opening date of March 21, 2002, one bid package was received. This bid package was from West Coast General Corporation in the

amount of \$5,722,524 which was \$1,017,819 (22%) over the engineer's original estimate of \$4,704,706. From this, it is not anticipated that bidding the contract a third time would result in a further reduction of the contract cost, due to the unique nature of the work.

This project combines the necessary roadway improvements with the sewer and water main replacement work needed to minimize impacts to the community while reducing the overall costs. A portion of the Torrey Pines Road/La Jolla Boulevard Water Main project is part of this contract as well as a provision (Bid Alternative "A") for resurfacing the streets affected by all the sewer and water work.

FISCAL IMPACT:

The total cost of the project is \$8,891,965 including work for roadways (\$4,997,148), sewer (\$2,302,378), and water (\$1,592,440) but not including the remainder of the Torrey Pines Road/La Jolla Boulevard Water Main project (\$3,258,466) which was performed under a separate contract. For this project, \$2,062,056 of additional funds are required for the increased construction cost, bid alternative, and the associated increased staff costs. To cover this need, \$1,105,186 is available from Sewer Fund 41506, CIP No. 44-001.0, Annual Allocation - Sewer Main Replacements, \$389,859 may be available in FY2004 from Developer Impact Fees, Fund 79514, and \$567,011 (landscaping & hardscape) is currently unidentified. This project will be phase funded over FY 2003 and 2004, with Phase 1 (\$5,864,634) for July 1, 2002 through December 31, 2002. At this time, only the additional sewer funds are required. The remaining funds will not be needed until Fiscal Year 2004.

Loveland/Belock/PB

Aud. Cert. 2300036.

FILE LOCATION: CONT - West Coast General Corporation/T.C Construction Inc.; MEET

COUNCIL ACTION: (Tape location: B069-344.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Two actions related to Notice of Intention to Reimburse Certain Water and Wastewater Expenditures.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-112) ADOPTED AS RESOLUTION R-296833

Declaring the intent of the City of San Diego to use proceeds of indebtedness to reimburse itself for expenditures in connection with the City's water system.

Subitem-B: (R-2003-113) ADOPTED AS RESOLUTION R-296834

Declaring the intent of the City of San Diego to use proceeds of indebtedness to reimburse itself for expenditures in connection with the City's wastewater system.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego (City), or the Public Facilities Financing Authority of the City of San Diego (Authority), on behalf of the City, intends to acquire and construct, or cause to be acquired or constructed, certain improvements, additions, and/or rehabilitations to the City Water and Wastewater Systems (collectively the "Projects"). The City or the Authority expects to make certain expenditures (Reimbursement Expenditures) in connection with the Projects prior to the issuance of indebtedness for the purpose of financing costs associated with the Projects on a long-term basis. Section 1.150-2 of the Treasury Regulations requires the City or the Authority to declare its reasonably official intent to reimburse prior expenditures for the Projects with subsequent borrowing. The City or the Authority reasonably expects that (i) debt obligations for the Water System, in a total amount not expected to exceed three hundred fifty million dollars (\$350,000,000), will be issued, (ii) debt obligations for the Wastewater System, in a total amount not expected to exceed five hundred million dollars (\$500,000,000), will be issued, and (iii) certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures.

FISCAL IMPACT: None.

Frazier/Vattimo/CR

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A434-513.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea,
Madaffer-nay, Inzunza-not present, Mayor Murphy-yea.

ITEM-203: Five actions related to Ballot Measure for Municipal Special Election: November 5, 2002.

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, D, and E:

Subitem-A: (O-2003-31) INTRODUCED AND ADOPTED AS ORDINANCE
O-19080 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election consolidated with the California State General Election to be held on November 5, 2002, one proposition relating to "City of San Diego Affordable Housing for Qualified Seniors, Families, and Persons with Disabilities" as defined by Article 34 of the California Constitution.

Subitem-B: CONSIDERED

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: CONSIDERED

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: CONSIDERED

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: CONSIDERED

In the matter of assigning authorship of the ballot argument.

SUPPORTING INFORMATION:

This is to request that the City Council adopt an ordinance placing an Article 34 measure on the November 5, 2002, ballot, as recommended by a 5-0 vote of the Rules Committee on June 5, 2002.

The measure, submitted to the Rules Committee by the Housing Commission, has the following proposed language:

"City of San Diego Affordable Housing for Qualified Seniors, Families, and Persons with Disabilities."

"Do the voters of the City of San Diego approve the development, construction, or acquisition of not more than 5,000 apartment units in low rent housing projects designed for low income seniors, families, and persons with disabilities, as defined by Article 34 of the California Constitution, to be located on scattered sites in the City of San Diego? Approval does not require development of housing or expenditure of public funds. Further, nothing in this measure relieves each individual development from complying with adopted development regulations and normal public review process."

The estimated cost of this election, including the candidate run-off General Municipal Election in Districts 2 and 4, is \$410,000, if as many as four measures are approved for the ballot.

Abdelnour/Fishkin/JL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B345-379.)

MOTION BY ATKINS TO DISPENSE WITH THE READING AND INTRODUCE AND ADOPT THE ORDINANCE IN SUBITEM A; AND CONSIDER SUBITEMS B, C, D, AND E. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: Four actions related to General Municipal Election and Municipal Special Election on November 5, 2002.

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the ordinances in Subitems A and B, and adopt the resolutions in Subitems C and D.

Subitem-A: (O-2003-21) INTRODUCED AND ADOPTED AS ORDINANCE
O-19081 (New Series)

Introduction and adoption of an Ordinance calling a General Municipal Election in the City of San Diego on Tuesday, November 5, 2002, for the purpose of electing candidates to the following offices:

Councilmember for District No. 2	four-year term
Councilmember for District No. 4	four-year term

Subitem-B: (O-2003-22) INTRODUCED AND ADOPTED AS ORDINANCE
O-19082 (New Series)

Introduction and adoption of an Ordinance calling a Special Municipal Election in the City of San Diego on November 5, 2002, for the purpose of submitting to the qualified voters of the City of San Diego one or more ballot propositions; and consolidating the Municipal Special Election with the California State General Election, to be held on the same date.

Subitem-C: (R-2003-43) ADOPTED AS RESOLUTION R-296835

Adoption of a Resolution requesting the consolidation of a General Municipal Election to be held in the City of San Diego on November 5, 2002, with the California State General Election to be held on the same date.

Subitem-D: (R-2003-44) ADOPTED AS RESOLUTION R-296836

Adoption of a Resolution requesting the consolidation of a Municipal Special Election to be held in the City of San Diego on November 5, 2002, with the California State General Election to be held on the same date.

SUPPORTING INFORMATION:

This is to request that the City Council adopt ordinances calling a General Municipal Election and a Municipal Special Election as well as resolutions requesting the consolidation of these elections with the California State General Election to be held on November 5, 2002. The resolutions for both the General Municipal and Municipal Special Election requesting consolidation includes a request for the services of the Registrar of Voters.

The General Municipal Election will be held for the purpose of conducting elections for Council members for Districts 2 and 4. The Municipal Special Election will be held for the purpose of conducting elections for any and all propositions the Council approves for placement on the ballot.

The estimated cost of this election, including ballot proposals being considered by Council, is \$410,000, if as many as four measures are approved for the ballot.

Abdelnour/Fishkin/JL

Aud. Cert. 2300021.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B380-399.)

MOTION BY MAIENSCHIN TO DISPENSE WITH THE READING AND INTRODUCE AND ADOPT THE ORDINANCES IN SUBITEMS A AND B, AND ADOPT THE RESOLUTIONS IN SUBITEMS C AND D. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-205: Amendment of Ordinance No. O-18788 - Community Facilities District No. 2 (Santaluz).

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; and adopt the resolution in subitem B :

Subitem-A: (O-2003-84) INTRODUCED, TO BE ADOPTED ON MONDAY,
AUGUST 5, 2002

Ordinance of the Council of the City of San Diego, State of California, acting in its capacity as the Legislative Body of Community Facilities District No. 2 (Santaluz) amending, in part, Ordinance No. O-18788 and authorizing the levy of a special tax within Improvement Area No. 1 of such district.

Subitem-B: (R-2003-111 Cor. Copy) ADOPTED AS RESOLUTION R-296837

Declaring that the information contained in Environmental Impact Report LDR-95-0173, adopted on October 31, 1995 and Environmental Impact Report LDR-96-7902, adopted on July 28, 1998, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the amendment to Ordinance No. O-18788 and the levy of a special tax within Community Facilities District No. 2 (Santaluz);

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

Pursuant to proceedings conducted under the Mello-Roos Community Facilities act of 1982 ("Mello-Roos Act"), the City of San Diego previously established Community Facilities District No. 2 (Santaluz) ("CFD No. 2"), and designated three Improvement Areas therein. In conjunction with these proceedings, the City adopted Ordinance No. O-18788, which authorized the levy of a special tax in each of the Improvement Areas within CFD No. 2. The ordinance provided that the special tax was to be levied in accordance with the Rate and Method of Apportionment of Special Tax ("Rate and Method") approved by the City Council pursuant to Resolution No. R-292753.

Subsequent to these actions, and in accordance with the Mello-Roos Act, an owner of more than 25% of the property within Improvement Area No. 1 filed a written petition with CFD No. 2 requesting that the Rate and Method be modified. In response to the petition, the City conducted "Change Proceedings", which culminated in the adoption of Resolution R-296009, amending the Rate and Method for Improvement Area No. 1 of CFD No. 2.

FISCAL IMPACT:

Subitem-B: (R-2003-65) ADOPTED AS RESOLUTION R-296839

Resolution of the City Council of the City of San Diego acting as the Legislative Body of Community Facilities District No. 2 (Santaluz) authorizing the levy of special taxes within each of Improvement Area No. 1 and Improvement Area No. 3 for Fiscal Year 2002/2003.

CITY MANAGER SUPPORTING INFORMATION:

In January 1991, the City Council adopted resolutions that established Community Facilities District No. 1 (Miramar Ranch North), and in March 2000, the City Council adopted resolutions that established Community Facilities District No. 2 (Santaluz). These actions authorized the issuance of limited obligation special tax bonds to finance the construction and acquisition of public infrastructure in or serving the districts, and authorized the annual levy of a special tax as the revenue source to pay yearly debt service on each district's outstanding bonds. This City Council action would confirm the annual rates, apportionment, and total amount of special taxes to be levied and collected on taxable property within the boundaries of Community Facilities District No. 1 and Community Facilities District No. 2 for the Fiscal Year 2003. Each year, until final maturity of all bonds issued by the districts, the special tax levy will be presented to the City Council for approval, in accordance with the Mello-Roos Community Facilities Act of 1982.

Special taxes to be levied against taxable parcels of land within each district for the upcoming fiscal year are reflected in the reports submitted herewith. These special taxes will be billed and collected by the County of San Diego in the same manner as ordinary ad valorem property taxes. Monies received in the form of special taxes will be used to pay the debt service on the outstanding bonds which are due in March 2003 and September 2003, maintain the appropriate balance in the reserve account for each district, and pay costs incurred by the City and the districts in administering the special tax levy.

FISCAL IMPACT:

No fiscal impact to the City will occur as a result of this City Council action. The annual special tax levy includes an administrative charge to reimburse the City for costs and expenses incurred on behalf of the districts.

Frazier/Kelly/CW

FILE LOCATION:

SUBITEM A: STRT - CF-1-03 (58)

SUBITEM B: STRT - CF-2-03 (58)

COUNCIL ACTION:

(Tape location: B408-417.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	7/01/02	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/01/02	127	Council adopts propositions for ballot;
Monday	Through 7/22/02	to 106	directs City Attorney to prepare ordinances
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material

Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk
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If you have any questions, please contact the Office of the City Clerk, 533-4025.

ITEM-251:

ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the General Municipal Election to be held on Tuesday, November 5, 2002, the City Clerk has fixed 5:00 p.m. on Thursday, August 22, 2002, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-S400: Konstance Mitchell Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-154) ADOPTED AS RESOLUTION R-296840

Commending Konstance Mitchell for making contributions that will have a lasting impact and bring continued success for the Darnall Community in the years ahead, and proclaiming July 22, 2002 to be "Konstance Mitchell Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A207-279.)

MOTION BY MADAFFER TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Establishment of Pilot San Diego Fire and Rescue Helicopter Program.

(See City Manager Report CMR-02-163.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-66) ADOPTED AS RESOLUTION R-296841

Authorizing the City Manager to develop, implement, operate, and manage a countywide pilot Fire and Rescue Helicopter Program and to appropriate and expend an amount not to exceed \$470,000, all contingent on the receipt of funding from the Service Authority for Freeway Emergencies (SAFE) in the amount of \$230,000 and the County of San Diego in the amount of \$50,000;

Authorizing the City Manager to execute an agreement with SAFE to develop and implement a countywide pilot Fire and Rescue Helicopter Program, to be operated and managed by the City Fire and Life Safety Services Department and to accept and expend funds received from SAFE in the amount of \$230,000 for the pilot program;

Authorizing the City Manager to execute an agreement with the County to develop and implement a countywide pilot Fire and Rescue Helicopter Program, to be operated and managed by the City Fire and Life Safety Services Department and to accept and expend funds from the County in the amount of \$50,000 for the pilot program;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$190,000 from General Fund No. 10001 - Allocated Reserve - to the Pilot Helicopter Program Fund 10264, to provide funds for the pilot Fire and Rescue Helicopter Program;

Authorizing the City Manager to execute an agreement with Eagle Helicopters, Inc., doing business as Kachina Aviation, to provide helicopter services and associated personnel and equipment for the pilot Fire and Rescue Helicopter Program, in an amount not to exceed \$367,620 from the Pilot Helicopter Program Fund 10264 contingent on the City Auditor and Comptroller certifying the availability of funds from SAFE and the County for the pilot program;

Authorizing the City Manager to investigate the extension of the pilot Fire and Rescue Helicopter Program; to seek, accept, and expend additional funds; and to amend or modify any agreements in connection therewith which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the pilot program.

Aud. Cert. 2300037.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B418-C122.)

MOTION BY WEAR TO ADOPT WITH THE UNDERSTANDING THAT THIS IS A ONE-TIME ALLOCATION AND DOES NOT CREATE CONTINUING ALLOCATIONS. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-nay.

NON-DOCKET ITEM:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:46 p.m. in honor of the memory of:

Bret Harris at the request of Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C123-149).